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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,361	07/05/2002	Robin R. Preston	70368-86	2094

20915 7590 10/03/2003

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EXAMINER
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LAZOR, MICHELLE A

ART UNIT	PAPER NUMBER
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1734

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DATE MAILED: 10/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/064,361	<b>Applicant(s)</b> PRESTON ET AL.	
	<b>Examiner</b> Michelle A Lazor	<b>Art Unit</b> 1734	

-- Th MAILING DATE of this communication app ars on the cov r sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-12 is/are allowed.
- 6) ☒ Claim(s) 1 and 4 is/are rejected.
- 7) ☒ Claim(s) 2 and 3 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_                      6) ☐ Other:

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell, Jr. (U.S. Patent No. 5738748).

Mitchell, Jr. discloses as prior art a backing web having a release coating on a surface thereof, and a label web or facestock which is adhesively laminated to the release-coated surface of the backing web by a pressure sensitive adhesive on a lower surface of the label web (column 1, lines 32 – 38), but does not specifically disclose in the prior art the steps of printing product indicia onto the label web upper surface, then applying a static cling layer to the printed upper surface of the label web, and die-cutting the label web and the static cling layer into discrete label assemblies, and further comprising data entry indicia on the static cling layer in registry with the product indicia on the printed upper surface of the label web. However, Mitchell, Jr. discloses in his invention the steps of: printing product indicia onto the label web upper surface (column 3, lines 21 – 26); then applying a static cling layer to the printed upper surface of the label web (column 4, lines 42 – 54), and die-cutting the label web and the static cling layer into discrete label assemblies (column 3, line 59 – column 4 line 13), and further comprising data entry indicia on the static cling layer in registry with the product indicia on the printed upper surface of the label web (column 5, lines 1 – 3). Therefore it would have been obvious to one of

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ordinary skill in the art at the time of the invention to print indicia onto the label web upper surface to apply logos, forms, etc. in predetermined positions on the facestock (column 3, lines 39 – 41); it would have been obvious to then apply a static cling layer to the printer surface of the label web to replace the adhesive (column 4, lines 52 – 54); it would have been obvious to die-cut the label web and static cling layer to form individual labels (column 3, lines 62 – 63), and further it would have been obvious to include data entry indicia on the static cling layer in registry with the product indicia on the printed upper surface of the label web to include additional printing on the facestock.

*Allowable Subject Matter*

2. Claims 2 and 3 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. There is no reference in the prior art search that disclosed, taught, or suggested applying a raw varnish coating to the upper surface of the label web after the printing step.

3. Claim 5 is allowed. There is no reference in the prior art search that disclosed, taught, or suggested applying a raw varnish coating onto the label web upper surface.

4. Claims 6 – 12 are allowed. There is no reference in the prior art search that disclosed, taught, or suggested a method comprising the steps of providing a label assembly comprising a product label having on one side a pressure sensitive adhesive and on another side at least one of product and service indicia printed thereon, a static cling layer releasably mounted on the other side of the product label over the indicia, the static cling layer having data entry indicia on one

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side thereof, applying the label assembly to one portion of the vehicle visible to a service person; applying oil change data to the static cling layer; and applying the static cling layer to the windshield of the automobile.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle A Lazor whose telephone number is 703-305-7976.


The examiner can normally be reached on Mon - Thurs 6:30 - 4:00, Fridays 6:30 - 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 703-308-3853. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



MAL



RICHARD CRISPINO  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700